

REMARKS

The Office Action has been received and reviewed. Further, an *Interview Summary* dated November 3, 2004 was received and reviewed. This is a response to the Office Action and the *Interview Summary*.

In the Office Action, claims 1-52 were rejected. In response to the Office Action, applicant has amended some of the claims and submits the following remarks.

If there are questions about this *Response*, please contact the undersigned. In view of the remarks, applicant respectfully requests allowance of the claims.

Claim Amendments

Claims 1, 13, 24, 28 and 39 have been amended herein in an effort to expedite prosecution of the application. No other reason should be attributed to the amendments.

Rejection Of Claim 13 Under 35 U.S.C. 101

In the Office Action, it was argued that claim 13 is directed to non-statutory matter. Unlike the first office action, the present Office Action does not cite supporting authority for the section 101 rejection. It is respectfully submitted that claim 13 was directed to statutory subject matter. Nevertheless, in order to expedite prosecution, applicant has amended claim 13 in an effort to expedite prosecution.

Rejection Of Claims Under 35 U.S.C. 103(a)

In the Office Action, it was argued that claims 1-5, 8-16, 19-31, 34-41 and 44-52 were rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. patent no. 6,082,776 (Feinberg). It is respectfully submitted that the prior version of the claims were not obvious in view of Feinberg, but in an effort to expedite prosecution, claims 1, 13, 24 and 28 have been amended herein to recite that the associated password is associated with a non-patient user of the system, and claims 1, 13, and 39 have been amended to recite a computer readable memory on a portable card. It is respectfully submitted that Feinberg does not disclose or suggest the systems described by the claims.

Response To Examiner's Interview Summary

An *Interview Summary* dated November 3, 2004 was received. In the *Interview Summary* it was stated that the undersigned "suggested that Feinberg was at least close to anticipating the functionality of the claimed invention" To clarify what was stated in that telephone interview, it is respectfully submitted that the undersigned acknowledged (1) that Feinberg discloses a system in which medical history information is stored, (2) that Feinberg discloses the use of cards holding a patient identification and personal identification number (see col. 2, lines 50-56), (3) that Feinberg at col. 21, lines 3-11 discloses an encryption method. However, in the telephone interview, the undersigned did not state or "suggest" that Feinberg was "close to anticipating the functionality of the claimed invention". On the contrary, the undersigned stated that there are significant

and patentable differences between Feinberg and the present invention. Those differences are clearly set forth in the claims. One of those differences resides in how a non-patient user of the system may gain access to the health information. The Examiner is asked to pay close attention to the claims, and fully consider the differences between Feinberg and the present invention.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted a full and complete response to the Office Action has been made. The claims are in condition for allowance, and allowance of the claims is respectfully requested.

The Applicant believes that a one-month extension of time is necessary in order to enter this *Response*. A petition for a one-month extension is enclosed herewith. Please charge the extension fee to Deposit Account No. 08-2442. If an additional extension of time or fee is needed, please consider this as a petition for an extension of time equal to that required, and as authorization to charge any fee needed to have this *Response* entered.

Since the Office Action was a "final" action, a *Request For Continued Examination* is enclosed herewith. Please charge the necessary fee to Deposit Account No. 08-2442.

The Examiner is invited to call applicant's attorney if any questions remain following review of this response. If it will

help, the undersigned is willing to explain by telephone or in person, the reasons the claims are allowable.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "R. Kent Roberts", is written over a horizontal line.

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